

EFW 1637 AF



PATENT  
Attorney Docket: 56297-5016-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Sophie E.V. Martin <i>et al.</i>	)	
	)	
Application No. 09/994,657	)	Group Art Unit: 1637
	)	
Filed: November 28, 2001	)	Examiner: J. Tung
	)	
For: RELEASE OF INTRACELLULAR MATERIAL	)	

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

**REPLY TO OFFICE ACTION PURSUANT TO 37 CFR §1.116**

This amendment is filed in response to the Office Action mailed August 25, 2003, and the Advisory Action mailed March 2, 2004. A Notice of Appeal was filed on February 25, 2004, thereby extending the period for response to April 25, 2004. Entry of the following amendments and remarks and reconsideration of the claimed subject matter is respectfully requested:



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ATTORNEY DOCKET NO. 056297-5016-US01  
Application No. 09/994,657  
Page 1

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Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is a Reply pursuant to 37 CFR §1.116 responding to the Office Action dated August 25, 2003 and the Advisory Action mailed March 2, 2004 in connection with the above-identified application. A Notice of Appeal was filed on February 25, 2004, thereby extending the period for response to April 25, 2004.
2. Additional papers enclosed:
3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

No fee is believed to be due at this time.

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☐ Check in the amount of \$\_\_\_\_\_ for \_\_\_\_\_. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: April 23, 2004

By: Bonnie Weiss McLeod  
Bonnie Weiss McLeod  
Reg. No. 43,255

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